REMARKS

This Response is to the Final Office Action mailed March 19, 2003. Claims 1 to 23, 25 to 27 and 29 to 37 were previously pending in this application. Claims 1 to 23, 25 to 27 and 29 to 34 currently stand rejected. Claims 35 to 37 stand allowed. In this Response, Claims 1, 12, 14, 15, 18 and 25 have been amended. No new matter has been added via any of the amendments.

A one-month petition for extension of time to respond to the Final Office Action is submitted herewith. The Response is being filed with a Request for Continued Examination ("RCE"). Checks in the amount of $110.00 and $750.00 are submitted herewith to cover the cost of the petition and the RCE. Please charge Deposit Account No. 02-1818 for any insufficiency of payment or to credit any overpayment.

The Office Action rejected Claim 14 under 35 U.S.C. § 112 for insufficient antecedent basis. Regarding the § 112, rejection of Claim 14, that claim has been amended to depend from Claim 12. Claim 12 provides the proper antecedent basis for "the jackpot award". Applicant submits that the amendment to Claim 14 is non-narrowing and disclaims no subject matter.

Claims 1 to 3, 6, 12 to 18, 21, 22 and 24 to 28 were rejected under 35 U.S.C. § 103(a) as being obvious in view of Fey, Slot Machines, Liberty Bell Books ("*Fey*"). Claims 4, 5, 8, 9, 10, 11 and 19 were rejected under 35 U.S.C. § 103(a) as being obvious in view of *Fey* and in further view of U.S. Pat. No. 5,380,007 to Travis et al. ("*Travis*"). Claims 7, 23, 25 to 27, 29 and 30 to 34 were rejected under 35 U.S.C. § 103(a) as being obvious in view of *Fey* and in further view of U.S. Pat. No. 6,334,612 to Wurz et al. ("*Wurz*").

In the Office Action, the Patent Office's interpretation of "component" was clarified to mean essentially "coin bet". Applicant wishes to further clarify the interpretation of "component" consistent with the specification at page 7, line 9. To do so, the example given in the Office Action is used. If the player bets five coins including a single coin on each of five paylines, the player has manipulated two wager "components", one being the number of paylines wagered and the other being the wager per payline. If the player bets the same five coins on a single payline, the player

has manipulated two wager "components", one being the number of paylines wagered and the other being the wager per payline. If the player bets five coins on five paylines, the player has manipulated the same two wager components.

Regarding the rejection of Claims 1 to 3 and 6 as being obvious in view of *Fey*, Applicant submits that giving the above-clarified meaning to the word "component", Claim 1 is distinguished over *Fey*. In particular, the 1904, Big Six-45 Twin Machine disclosed on page 88 of *Fey* is used in the Office Action to teach Claim 1. The Big Six Machine appears to show two wagering areas, two spinning wheels and two payout areas. In essence, the Big Six Machine appears to be two games provided in one cabinet. While the Big Six Machine has two wagering areas, those areas do not teach the limitations of Claim 1 as amended.

First, as clarified above by Applicant, the term "component" is analogous to the term "variable". Even prior to the amendment of Claim 1, that claim called for a wager that included a plurality of <u>different types</u> of wagerable components. That is, the claim previously included a plurality of different types of wagered variables. The present invention discloses, for example, two variables for the player, namely, a number of paylines upon which to place a wager and a number of credits with which to wager per payline selected. The Big Six Machine does not disclose multiple types of wagerable components.

The Big Six Machine appears to disclose two connected banks of the same type of wager component, namely, a single coin on one to six different colors. The Big Six Machine does not disclose a feature that is analogous to a wager per payline, that is, a second type of wagering component.

Claim 1 has also been amended to include that the controller requires the player to select an amount for each of the wager components to operate a game of the gaming device. Under the current amendment, even assuming the dual wagering banks of the Big Six Machine use different wager components, the machine does not teach that the player has to select an amount for each of the different wager components to operate the game. The Big Six Machine on the other hand appears to enable the player to play either one of the games singly if only one of those games is wagered upon. Thus, the player does not have to wager on each of the different wager components (assuming

there are two components) of the Big Six Machine to operate one of its games of *Fey*. Applicant therefore respectfully submits that amended Claim 1 is patentably distinguished over the Big Six Machine of *Fey* and that Claims 2 to 11 that depend from Claim 1 are likewise distinguished patentably over *Fey*.

Regarding the rejection of independent Claims 12, 15 and 18 in view of *Fey*, each of those claims has been amended to include that the player must select a number of paylines to wager and a wager selected per payline to form an overall wager, which is used to initiate a player interactive event (Claims 12 and 15) or to slot machine reels (Claim 18). The Big Six game disclosed in *Fey* does not teach or suggest such a combination of elements. At most, the Big Six game teaches a gaming device having multiple wagering banks, wherein each bank initiates a separate player interactive event, namely, the pulling of an arm to spin a mechanical wheel. The Big Six game does not disclose providing multiple paylines, wherein the player must choose: (i) how many paylines to wager; and (ii) how many credits to wager per payline to play a single interactive event or reel spin.

Also, *Fey* does not disclose combining different wager components to form an overall wager, wherein the overall wager is used and accounted for. The Big Six mailing displaying one or more paylines and wherein the player can choose to wager one or more credits on the paylines played. Accordingly, the Big Six game fails to teach structural limitations recited in Claims 12, 15 and 18 as amended, namely, different types of wager components and components forming an overall wager. Applicant therefore respectfully submits that those claims as well as Claims 13 and 14, 16 and 17 and 19 to 23 depending respectively therefrom are each novel and non-obvious in view of *Fey*.

Claims 1, 12, 15 and 18 are each novel and non-obvious over Fey for an additional reason. Here, Applicant respectfully traverses the Patent Office's interpretation that a structuring of the odds is merely a design choice rendering any invention involving the manipulation of gaming device odds is not patentable. Rejecting a claim that recites a unique odds structure because the art of making wagering games "primarily consists of this study" is counter-intuitive. If an art exists largely to study and

to further a particular endeavor, that particular endeavor would seem to be a fertile subject for invention, and not simply a rehashing of known and obvious techniques.

The conclusion that a gaming device claim cannot rely on a unique way of structuring odds to overcome obviousness appears to be a convenient way and the only way of counteracting the fact that while wagering games all include odds, no wagering game has been found that specifies the particular arrangement of the odds in Claims 1, 12, 15 and 18 (i.e., the combination of elements of those claims). Indeed, the Office Action admits at page 2 that heretofore in modern slot machines, increasing the number of coins bet on a payline did not effect the player's odds of winning. That feature, which is included in each of the independent Claims 1, 12, 15 and 18, is admittedly not found in the art and does not allow those claims therefore to be obvious.

Amended Claim 25 also recites that the player's odds of winning an award are dependent upon the player's wager per payline. In particular, the claim states that the odds of entering a bonus game from a base game increase as the player's wager per payline in the base game increases. The claim has been amended merely to state that feature more clearly. Further, the claim specifies that the player's opportunities once entering the bonus round increase as the number of paylines wagered in the base game increases.

Neither *Fey* nor *Wurz* alone or in combination teach the elements of Claim 25 as amended. While *Wurz* teaches a bonus round, that game does not teach or suggest activating a bonus round based upon how many credits per payline the player wagers in the underlying base game. Also, *Wurz* does not teach or suggest structuring the bonus round so that the player's opportunities in the bonus round increase as the number of paylines wagered increase. *Fey* and *Wurz* fail to even suggest the elements of Claim 25. Applicant therefore submits respectfully that Claim 25 and Claims 26, 27 and 30 to 34 depending therefrom are structurally different and patentably distinguished over *Fey* and *Wurz*.

Due to the patentability of independent Claims 1, 12, 15, 18 and 25, Applicant respectfully submits that the obviousness rejection of dependent Claims 4, 5, 8, 9, 10, 11 and 19 in view of *Fey* and *Travis* are rendered moot. Likewise, the rejection of dependent claims 7 and 23 in view of *Fey* and *Wurz* are also rendered moot.

An earnest endeavor has been made to place this application in condition for formal allowance and in the absence of more pertinent art such action is courteously solicited. If the Examiner has any questions regarding this Response, applicant respectfully requests that the Examiner contact the applicant's attorney, Adam Masia, at (312) 807-4284 to discuss this Response.

Respectfully submitted,

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